

(1) SALLEY STOREY,

Plaintiff,

vs.

Case No. 15-CV-726-JHP-TLW

(1) STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, a/k/a and/or d/b/a STATE FARM MUT AUTO INS CO, a/k/a and/or d/b/a STATE FARM INSURANCE COMPANY, a/k/a and/or d/b/a STATE FARM, a foreign property and casualty insurance company;

(2) **JOHN DOE, a business entity; and**

(3) JANE DOE, an individual,

Defendants.

NOTICE OF REMOVAL

The Petitioner, State Farm Mutual Automobile Insurance Company, Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Tulsa County, entitled *Salley Storey, an individual v. State Farm Mutual Automobile Insurance Company, a/k/a and/or d/b/a State Farm Mut. Auto Ins. Co., a/k/a and/or d/b/a State Farm Insurance Company, a/k/a/ and/or d/b/a State Farm, a foreign property and casualty insurance company, and John Doe, a business entity, and Jane Doe, an individual*, Case No. CJ-2015-04126. Defendant was served Summons and Petition on November 24, 2015 via service on the Oklahoma Insurance Department. A copy of Plaintiff's Petition setting forth her claims for relief upon which the action is based is attached hereto and marked Exhibit 1. A copy of the Summons served upon Defendant is attached

hereto and marked Exhibit 2.

2. Defendant's principal place of business is in the State of Illinois, and Defendant is incorporated in the State of Illinois. Plaintiff, Salley Storey, is a resident and citizen of Tulsa County, State of Oklahoma. (Petition, ¶ 1, Ex. 1). Under the federal removal statutes the presence of "John Doe" or "Jane Doe" defendants at the commencement of an action creates no impediment to removal. *See* 28 U.S.C. § 1441(b) ("[T]he citizenship of defendants sued under fictitious names shall be disregarded"). Plaintiff's cause of action is for alleged breach of contract and alleged breach of the implied duty of good faith and fair dealing. The matter in controversy between Plaintiff and Defendant, according to Plaintiff's demand, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and costs. (*See* Plaintiff's Petition, p. 2, Ex. 1).

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiff's demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after November 24, 2015, the date Defendant was served with a copy of Plaintiff's Petition, which was the initial pleading setting forth the claim for relief upon which this action is based. (*See* Summons and Petition, Exhibits 1 and 2).

5. Copies of all process, pleadings, and orders served upon Defendant have been attached hereto as Exhibit "1 ", Petition; Exhibit "2 ", Summons. Pursuant to LCvR 81.2, a copy of the state court docket sheet is attached as Exhibit "3."

WHEREFORE, Defendant, State Farm Mutual Automobile Insurance Company, prays this

action be removed.

Dated this 18th day of December, 2015.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & FIASCO**
A PROFESSIONAL CORPORATION

/s/ John S. Gladd
John S. Gladd, OBA #12307
Andrew G. Wakeman, OBA #21393
525 South Main Street, Suite 1500
Tulsa, Oklahoma 74103-4524
Telephone: (918) 582-8877
Facsimile: (918) 585-8096
Attorneys for Defendant State Farm

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of December, 2015, a true and correct copy of the
aforementioned document was mailed to the following, with postage prepaid:

John Paul Truskett, OBA #20550
Samuel T. Perrine, OBA #32165
TRUSKETT LAW FIRM, PLLC
2202 E. 49th Street, Suite 400
Tulsa, Oklahoma 74105
Attorneys for Plaintiff

/s/ John S. Gladd